

## IN THE CLAIMS

Please amend the claims to read as follows:

### Listing of Claims

1. (Currently Amended) A scheduling apparatus which ~~creates~~ creating a schedule for a base station apparatus to ~~transmit~~ transmitting packet data on a common channel to one or more communication partners, ~~said~~ the scheduling apparatus comprising:

a detecting section that detects changes in corresponding transmission path ~~conidtions~~ conditions; and

a scheduling section that determines an order in which to ~~transmit~~ the packet data is transmitted such that packet data is transmitted earlier to a communication partner whose transmission path condition changes rapidly and packet data is transmitted later to a communication partner whose transmission path condition changes slowly, based on the detected changes in said the transmission path conidtions conditions.

2. (Currently Amended) The scheduling apparatus according to claim 1, wherein said scheduling section determines an order at which to transmit packet data to be retransmitted, from a corresponding transmission path ~~conidtion~~ condition.

3. (Original) The scheduling apparatus according to claim 2, wherein said scheduling section determines an order at which to transmit packet data to be retransmitted within a specified time.

4. (Canceled).

5. (Currently Amended) The scheduling apparatus according to claim 1, wherein said scheduling section does not take into account a change in a transmission path condition condition when determining the order in which to transmit the packet data if the change in the transmission path ~~condition~~ condition is more rapid than a predetermined speed.

6. (Currently Amended) The scheduling apparatus according to claim 1, wherein said detecting section detects a change in a transmission path condition condition by measuring a ~~Fading~~ fading Doppler frequency.

7. (Currently Amended) The scheduling apparatus according to claim 1, wherein said detecting section detects a change in a transmission path condition condition by measuring a change in

receive quality of a signal transmitted from a communication partner.

8. (Original) A control station apparatus comprising:  
a scheduling apparatus according to claim 1; and  
a transmit section that transmits packet data according to a schedule created by said scheduling apparatus.

9. (Original) A base station apparatus comprising:  
a scheduling apparatus according to claim 1; and  
a transmit section that transmits packet data according to a schedule created by said scheduling apparatus.

10. (Original) A communication system comprising: a scheduling apparatus according to claim 1.

11. (Currently Amended) A schedule creating method which creates a schedule for a base station apparatus to transmit packet data on a common channel to one or more communication partners, said the method comprising:

detecting changes in corresponding transmission path  
~~conidtions~~ conditions;

determining an order in which to ~~transmit~~ the packet data is transmitted such that packet data is transmitted earlier to a communication partner whose transmission path condition changes rapidly and packet data is transmitted later to a communication partner whose transmission path condition changes slowly, based on the detected changes in said the transmission path ~~conidtions~~ conditions; and

transmitting the packet data according to said the transmit order.